

REMARKS

This responds to the election/restriction requirement mailed December 4, 2007 in the above-identified application. In the Election/Restriction Requirement, the Examiner has required restriction between:

Group I, claims 1-21, drawn to a method for cracking disk-like productions, and

Group II, claims 22-26, drawn to a device for cracking disk-like productions.

In response, Applicant hereby elects Group II, claims 22-26, for prosecution in the present application.

If the Applicant elects Group II, the Office Action further requires the Applicant to elect one of the following patentably distinct species:

Species F: claims 22 and 24-26, drawn to a device for cracking disk-like productions wherein the clamp jaw pairs are movable, and

Species G: claim 23, drawn to a device for cracking disk-like productions wherein one clamp jaw pair is movable and the other claim jaw pair is stationary.

In response, Applicant hereby elects Species G, claim 23, for prosecution in the present application. Claims 23 and 27-36 read on the elected species.

Applicant hereby objects to the election/restriction requirement. The election/restriction requirement asserts that almost every claim in the application is directed to a distinct species. This contradicts the provisions of 35 U.S.C. §112, which provides that an application may include one or more claims and that a claim in dependent form shall specify a further limitation of the subject matter claimed. It is routine practice to include a number of dependent claims which further define the subject matter of the independent claim. Since the original application contains a single independent claim, Applicant submits that the requirement for election of species is improper and should be withdrawn.

Elected claim 23 has been rewritten in independent form. New claims 27-36 depend, either directly or indirectly, from elected claim 23 and further define the workpiece cracking device of claim 23. Accordingly, new claims 27-36 read on the elected species.

The application is now ready for examination on the merits. If there are questions regarding this response, please telephone Applicant's undersigned attorney.

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Respectfully submitted,

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